

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA,	.	CASE NO. 4:22-CR-612-1
PLAINTIFF,	.	
V.	.	HOUSTON, TEXAS
EDWARD CONSTANTINESCU,	.	FRIDAY, DECEMBER 16, 2022
DEFENDANT.	.	10:12 A.M. TO 10:18 A.M.
• • • • •	.	

ARRAIGNMENT AND COUNSEL DETERMINATION HEARING

**BEFORE THE HONORABLE CHRISTINA A. BRYAN
UNITED STATES MAGISTRATE JUDGE**

APPEARANCES:

SEE NEXT PAGE

ELECTRONIC RECORDING OFFICER: SHANNON HOLDEN

CASE MANAGER:

MELISSA MORGAN-FAIRCLOTH

OFFICIAL INTERPETER:

NONE PRESENT

TRANSCRIPTION SERVICE BY:

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	.	10:12 A.M. TO 10:18 A.M.
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UNITED STATES OF AMERICA,	.	CASE NO. 4:22-CR-612-8
PLAINTIFF,	.	
V.	.	
DANIEL KNIGHT,	.	
DEFENDANT.	.	

ARRAIGNMENT AND COUNSEL DETERMINATION HEARING

BEFORE THE HONORABLE CHRISTINA A. BRYAN
UNITED STATES MAGISTRATE JUDGE

Appearances:

For the GOVERNMENT: **THOMAS CARTER, III, ESQ.**
Assistant United States Attorney
1000 Louisiana, Suite 2300
Houston, TX 77002

For DEFENDANT KNIGHT: **CORDT AKERS, ESQ.**
The Akers Firm
3401 Allen Parkway, Suite 101
Houston, TX 77019

Transcription Service: Cheryl L. Battaglia
Trinity Transcription Services
1081 Main Street
Surgoinsville, TN 37873

1 Houston, Texas; Friday, December 16, 2022; 10:12 a.m.

2 **(All parties appearing telephonically)**

3 **THE COURT:** All right. *United States versus Edward*
4 *Contantinescu and Daniel Knight.*

5 **(Pause in the proceeding.)**

6 **THE COURT:** All right. Let's start with Mr. Knight.

7 Mr. Knight, you are here for a counsel determination
8 hearing. I told you you did not qualify to receive court-
9 appointed counsel and instructed you to appear today with
10 retained counsel or to inform me of the status. And have you
11 regained counsel?

12 **DEFENDANT KNIGHT:** Yes, I have.

13 **MR. AKERS:** Cordt Akers for Daniel Knight, your
14 Honor.

15 **THE COURT:** Thank you, Mr. Akers.

16 And you've been retained, sir?

17 **MR. AKERS:** I have, your Honor.

18 **THE COURT:** All right.

19 And have you filed a notice of appearance yet,
20 Mr. Akers?

21 **MR. AKERS:** I have.

22 **THE COURT:** You have?

23 **MR. AKERS:** Yes, your Honor.

24 **THE COURT:** Okay. Great.

25 I don't think that there's anything else we need to

1 address with Mr. Knight.

2 **MR. AKERS:** We -- we haven't done the arraignment.

3 **THE COURT:** You have not.

4 **MR. AKERS:** And we're ready to proceed on that.

5 **THE COURT:** Oh, and you need the Brady Order, too.

6 **(Pause in the proceeding.)**

7 **THE COURT:** Mr. Knight is charged in Count One only?

8 **MR. AKERS:** He is, your Honor.

9 **THE COURT:** All right.

10 So, first, under Rule 5(f), counsel for the United
11 States is ordered to comply with its disclosure obligations
12 under Brady versus Maryland and its progeny. The failure to do
13 so may result in the dismissal of charges exclusive of
14 evidence, adverse jury instructions, contempt proceedings and
15 sanctions.

16 **(Pause in the proceeding.)**

17 **THE COURT:** Mr. Knight, you are -- I know you have a
18 copy of the indictment because you received on at your Initial
19 Appearance, correct?

20 **DEFENDANT KNIGHT:** Yes, ma'am.

21 **THE COURT:** And I have told you that you are charged
22 in Count One with conspiracy to commit securities fraud, in
23 violation of 18 United States Code §1349. Do you understand
24 that charge?

25 **DEFENDANT KNIGHT:** Yes, your Honor.

1 **THE COURT:** Have you had a copy to go over the entire
2 indictment and ask any questions that you have of the charges
3 to your lawyer?

4 **DEFENDANT KNIGHT:** Yes, your Honor.

5 **THE COURT:** And are you waiving formal reading of the
6 indictment?

7 **MR. AKERS:** We are, your Honor.

8 **THE COURT:** And do you understand that if you're
9 convicted on Count One, you face up to 25 years in prison, a
10 fine of up to \$250,000, a 5 year term of supervised release,
11 and a \$100 mandatory Special Assessment?

12 **DEFENDANT KNIGHT:** Yes, your Honor.

13 **THE COURT:** All right. Are you ready to enter your
14 formal plea to the charge in Count One of the indictment?

15 **DEFENDANT KNIGHT:** Yes.

16 **THE COURT:** And how do you plead?

17 **DEFENDANT KNIGHT:** Not guilty.

18 **THE COURT:** We'll enter a not guilty plea on your
19 behalf.

20 The case is assigned to Judge Hanen. It is set for
21 trial on February 13th at 9:00 a.m. Motions are due January
22 3rd. Responses, January 17. Pretrial conference is February
23 6th at 8:30. And we've got an estimate of three weeks of
24 trial.

25 Is there anything else we need to cover with

1 Mr. Knight?

2 **MR. AKERS:** The Brady order.

3 **THE COURT:** I did it.

4 **MR. AKERS:** Or did I miss that? I'm sorry.

5 **THE COURT:** Yeah. That's okay.

6 **MR. AKERS:** Thank you for your time, your Honor.

7 **THE COURT:** All right. Thank you. You're excused.

8 Thank you.

9 **(Pause in the proceeding.)**

10 **THE COURT:** All right. Mr. Contantinescu, are you
11 represented by counsel?

12 **DEFENDANT CONTANINESCU:** I'm still -- I'm still
13 dealing with that. I should have him by early next week.

14 **(Pause in the proceeding.)**

15 **THE COURT:** Okay.

16 **(Pause in the proceeding.)**

17 **THE COURT:** We're going to have to set you for a
18 hearing. I guess we'll do it on, what day can we do that?

19 **(Pause in the proceeding.)**

20 **THE COURT:** Okay. For his counsel determination
21 hearing. It's very important that you get your counsel
22 retained as soon as possible. Because there are things that --

23 **DEFENDANT CONTANINESCU:** I -- I do. They just
24 couldn't make it.

25 They're -- they're based in New York. So they just

1 couldn't -- it just happened so quick. They'll be here Monday.

2 **THE COURT:** Okay. So your counsel is available to
3 appear on Monday.

4 **DEFENDANT CONTANINESCU:** That's what they -- I don't
5 want to --

6 **THE COURT:** Okay.

7 **DEFENDANT CONTANINESCU:** By -- by next week. They
8 said they're coming to see me, I'm sorry, Tuesday and
9 Wednesday.

10 **THE COURT:** All right.

11 **MR. CARTER:** Your Honor, if I may.

12 **THE COURT:** Yes, Mr. Carter.

13 **MR. CARTER:** That leaves the Government in a very
14 awkward position. There are some significant bond restrictions
15 we would ask for now immediately. And I can get into them and
16 the reasons why.

17 But if he does not have determination, I'm going to
18 have to move for detention.

19 (**Pause in the proceeding.**)

20 **DEFENDANT CONTANINESCU:** I can get him on a Zoom
21 call.

22 **THE COURT:** Let's reset this for -- I've got hearings
23 all the way through.

24 Let's reset it -- do we have new arrests yet?

25 **CASE MANAGER MORGAN-FAIRCLOTH:** Six.

1 **THE COURT:** Six.

2 **(Pause in the proceeding.)**

3 **THE COURT:** Let's reset it for 12:30. There's some
4 chance that I may not be able to reach you at 12:30, in which
5 case I'll reset you for 2 o'clock.

6 **DEFENDANT CONTANINESCU:** I'll be here, Judge.

7 **THE COURT:** You need to contact your attorney. We
8 can do it -- we could do this -- you can appear in a criminal
9 case remotely or by Zoom.

10 I think in this instance what would be better is to
11 have your counsel appear by telephone in the courtroom, because
12 everyone else is going to be in the courtroom.

13 I'm not going to have an opportunity to get a Zoom
14 camera set up in here. And I don't do hybrid in-person and
15 Zoom hearings. But I'm going to set you for 12:30. Talk to
16 your counsel. They need to file an appearance. If -- if -- if
17 you've retained counsel, they need to file an appearance.

18 **DEFENDANT CONTANTINESCU:** Thank you.

19 **THE COURT:** And we'll come back later this afternoon
20 at 12:30.

21 If we can't get to you -- can't reach you by 12:30,
22 we'll set you on the 2 o'clock docket. And you'll -- we'll
23 address it after the initial arrests.

24 **DEFENDANT CONTANINESCU:** Sure.

25 **THE COURT:** All right.

THE COURT: Thank you.

2 MR. CARTER: Thank you, your Honor.

THE COURT: All right. You're excused. Thank you.

4 (This proceeding was adjourned at 10:18 a.m.)

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* * * * *

7

9 I certify that the foregoing is a correct transcript from the
10 electronic sound recording of the proceedings in the above-
11 entitled matter.

12

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1

/s/ Cheryl L. Battaglia

March 18, 2023

15

Transcriber

Date

16

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